

**EXHIBIT “1”**

**EXHIBIT “1”**

**Jerry Snyder**

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**From:** Steve Peek  
**Sent:** Tuesday, June 09, 2009 4:55 PM  
**To:** 'Ellyn S. Garofalo'  
**Subject:** RE:

Please provide and index/directory listing/files, etc. and the size of each hard drive (gb or tb) that are on the hard drives so that I know that I am not getting more garbage like I did last April/May/June.

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**From:** Ellyn S. Garofalo [mailto:[egarofalo@linerlaw.com](mailto:egarofalo@linerlaw.com)]  
**Sent:** Friday, June 05, 2009 10:29 AM  
**To:** Steve Peek  
**Subject:** RE:

The last time we shipped drives, as you will recall, they were damaged and largely unreadable. Since there is only one copy, and we cannot afford to make another, we are not willing to risk damage that would destroy the drives. Again, the choices are to inspect and copy them here, or have us copy them at your client's expense and deliver them to you. In my view, the last option is the most expeditious and least costly.

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**From:** Steve Peek [mailto:[SPeek@hollandhart.com](mailto:SPeek@hollandhart.com)]  
**Sent:** Friday, June 05, 2009 10:22 AM  
**To:** Ellyn S. Garofalo  
**Subject:** RE:

Deliver them to your local counsel and we will inspect at his offices.

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**From:** Ellyn S. Garofalo [mailto:[egarofalo@linerlaw.com](mailto:egarofalo@linerlaw.com)]  
**Sent:** Friday, June 05, 2009 10:21 AM  
**To:** Steve Peek  
**Subject:** RE:

We are not able to do that. We need to retain the originals and Montgomery does not have the financial resources to copy the drives to send to you. I can however arrange to have them copied for you if you front the bill.

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**From:** Steve Peek [mailto:[SPeek@hollandhart.com](mailto:SPeek@hollandhart.com)]  
**Sent:** Friday, June 05, 2009 10:08 AM  
**To:** Ellyn S. Garofalo; Jerry Snyder  
**Subject:** RE:

Please make them available for inspection and copying in my office.

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**From:** Ellyn S. Garofalo [mailto:[egarofalo@linerlaw.com](mailto:egarofalo@linerlaw.com)]  
**Sent:** Friday, June 05, 2009 10:05 AM  
**To:** Steve Peek; Jerry Snyder  
**Subject:**

As I previously communicated, the hard drives containing source code and other intellectual property Dennis

Montgomery was required to produce are in my office waiting to be inspected and copied. Please let me know when you will have something here to inspect and copy the drives so that I can make the necessary arrangements. I have also been reminded that we have copies of the hard drives previously produced in the underlying litigation. I assume that you do not intend to inspect or copy these hard drives as they are already in your possession. If you do, let me know and I will have those available as well.

**Ellyn S. Garofalo, Esq.**  
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